IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WA.No. 486 of 2003

AGAINST THE JUDGEMENT IN OP.30224/2002 Dated 27/01/2003
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APPELLANTS/RESPONDENT 1 TO 3
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1. STATE OF KERALA, REPRESENTED BY ITS
CHIEF SECRETARY, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
FOREST AND WILD LIFE DEPARTMENT, GOVT. OF KERALA,
THIRUVANANTHAPURAM

3. THE DIVISIONAL FOREST OFFICER, NENMARA.

BY SR.GOVERNMENT PLEADER SMT.MEERA

RESPONDENT/PETITIONER

V.LEELA W/O. LATE P.V. RAGHAVAN,
KARAPPARA ESTATE, PADAGIRI P.O., NELLIAMPATHY,
PALAKKAD DISTRICT

BY ADV. SRI.S.D.ASOKAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007, ALONG WITH W.A.NO.499/2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.A.Nos.486 & 499 of 2003

Dated, this the 4th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

These appeals arise out of an order passed by the learned Single Judge in O.P.No.30224 of 2002 connected with O.P.No.20508 of 2002. In O.P.No. 30224 of 2002, the petitioner had called in question the order passed by the State Government (Ext.P17) dated 20.5.2002. One M/s.Joseph & Company had also questioned the said order passed by the State Government (G.O. (Ms) No.3/2002/F&WLD dated 20.5.2002) in O.P.No.20508 of 2002. The learned Single Judge had disposed of the writ petitions. Aggrieved by the said order, M/s.Joseph & Company were before this Court in W.A.No.296 of 2003. Against the same judgment the State had also filed W.A.No.255 of 2003. A Division Bench of this Court by its orders dated 7th April, 2004, had dismissed those writ appeals.

2. Aggrieved by the said order, the State Government had carried the matter to the Supreme Court in Civil Appeal No.4169 of 2004.

3. We are informed that the apex Court has allowed the Civil Appeal and has remanded the matter to the State Government to redo the matter in accordance with law and in the light of the observations made by the Supreme Court in the said Civil Appeal. We are also informed that after the disposal of the Civil Appeal, the State Government has passed a fresh order on 26.11.2004. Aggrieved by that, the parties are before this Court in another writ petition.

4. In O.P.Nos.30224 of 2002 and 20508 of 2002, the petitioners called

in question the very same order passed by the State Government dated 20.5.2002. In view of the orders now passed by the Supreme Court in Civil Appeal No.4169 of 2004, the reliefs sought for in these writ appeals would not survive for consideration of this Court at this stage. Accordingly, they are disposed of as unnecessary.

5. In view of the order passed in the writ appeals, the relief sought in C.M.P.Nos.1556 and 1589 of 2003 need not be considered by this Court. Accordingly, the said C.M.Ps. are also rejected.

Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns